

DOCKET NO.: WHIC-0007CIP1D2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Bruce A. Hotton et al

Filed: Herewith

Entitled: COMBUSTION AIR SHUTOFF APPARATUS FOR
A FUEL-FIRED HEATING APPLIANCE (As Amended)

Prior Group Art Unit: 3749

Prior Examiner: Lu, Jiping

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RULE 53(b) TRANSMITTAL LETTER

Sir: This is a request for filing a

() Continuation

(**XX**) Divisional application, under 37 CFR 1.53(b), of pending
prior application Serial No. 10/200,234, filed on July 22, 2002 of Gordon W.
Stretch et al entitled "Fuel-Fired Heating Appliance With Combustion Air
Shutoff System Having Frangible Temperature Sensing Structure".

1. (**XX**) Enclosed are 42 pages of specification, including claims, 11
sheets of drawings (FIGS. 1-25), copies of the declarations filed
in the prior application, and an Information disclosure
statement.

The filing fee is calculated below on the basis of claims as filed in the prior application, less any claims cancelled by amendment listed below, plus any claims added by any preliminary amendment listed below:

FOR	NO. FILED	NO. EXTRA	RATE	FEE
BASIC FEE			\$770	\$770
TOTAL CLAIMS	16-20	0	\$ 18	0
INDEP. CLAIMS	2-3	0	\$ 86	0
MULTIPLE DEPENDENT CLAIMS = 0			\$290	0
			TOTAL	\$770

2. () Please charge Deposit Account No. 11-1543 in the amount of \$ _____. A duplicate copy of this sheet is enclosed herewith.
3. (XX) A check in the amount of \$770 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 11-1543. A duplicate copy of this sheet is enclosed herewith.
4. (XX) The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 11-1543. A duplicate copy of this sheet is enclosed herewith.
- (XX) Any additional filing fees required under 37 CFR 1.16 including fees for presentation of extra claims.
- (XX) Any additional patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).

5. (XX) The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 11-1543. A duplicate copy of this sheet is enclosed herewith.
- (XX) Any patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).
- () The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
- (XX) Any filing fees under 37 CFR 1.16 including fees for presentation of extra claims.
6. (XX) Cancel in this application original claims 1-29 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. () Amend the specification by inserting before the first line the sentence: --This is a () continuation, () division, of application Serial No. _____, filed _____, such prior application being incorporated by reference herein in its entirety.--
8. () Transfer the formal drawings previously filed in the prior application to this application.
- () New formal drawings are enclosed.
9. () Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by 37 CFR 1.138 and before payment of the base issue fee.)
10. (XX) The prior application is assigned of record to The Water Heater Industry Joint Research and Development Consortium.
11. (XX) Power of attorney in the prior application was given to J. Richard Konneker, Registration No. 28,867 and Marlin R. Smith, Registration No. 38,310.

- (XX) The power appears in the original papers in the prior application.
- () Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
12. (XX) A preliminary amendment is enclosed.

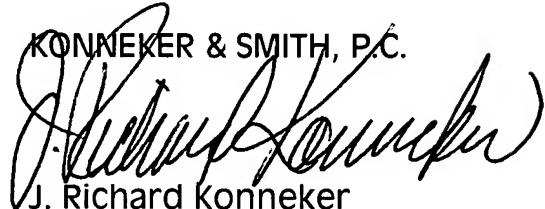
13. (XX) Address all future communications to:

CUSTOMER NUMBER 020558

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Respectfully submitted,

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Attorney of Record for Applicants
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Dated: OCTOBER 9, 2003

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CERTIFICATE OF MAILING BY "EXPRESS MAIL": Express Mail Mailing Label No.: EV 341132049 US

Date of Deposit October 9, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450.

Diane Sutton

Type or Print Name

Diane Sutton

Signature